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THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

v.

King County et al.,

Respondents,

and

Washington State Democratic Central
Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

SUBPOENA DUCES TECUM TO KING
COUNTY

1 **TO: CUSTODIAN OF RECORDS, KING COUNTY**

2 **YOU ARE HEREBY COMMANDED** to appear at the offices of Perkins Coie LLP,
3
4 1201 Third Avenue, Suite 4800, Seattle, Washington 98101-3099, on Tuesday, April 19,
5
6 2005, commencing at the hour of 9:00 a.m., and then and there to testify as a witness at the
7
8 request of Intervenor-Respondent Washington State Democratic Central Committee in the
9
10 above-entitled cause, and to remain in attendance upon the undersigned or other Notary
11
12 Public until discharged; and to bring with you the following:
13

14 1. The 94 untabulated absentee ballots recently discovered by King County and
15
16 their envelopes.
17

18 2. All communications, investigative notes, spreadsheets, emails, batch slips,
19
20 and any other records, notes, or documents of any kind relating to these 94 ballots (and any
21
22 other untabulated ballots identified by King County prior to the date of your response).
23

24 **ALTERNATIVELY**, to avoid the necessity of a deposition, the documents may be
25
26 produced in the offices of Perkins Coie LLP, 1201 Third Avenue, Suite 4800, Seattle,
27
28 Washington 98101-3099, on the above-referenced date with a notarized declaration from the
29
30 Records Custodian in the form of the attached Exhibit A, attesting under penalty of perjury
31
32 that the enclosed documents are true and correct copies of all of the above-requested records
33
34 which were kept and maintained by King County in the usual course of business. If
35
36 testimony by declaration will be provided in lieu of deposition, please notify the
37
38 undersigned no later than Monday, April 18, 2005.
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1 DATED: April 11, 2005.

2
3
4 **PERKINS COIE LLP**

5
6
7 By 

8 Kevin J. Hamilton, WSBA # 15648
9 William C. Rava, WSBA # 29948
10 1201 Third Avenue, Suite 4800
11 Seattle, WA 98101-3099
12
13

14 Attorneys for Intervenor-Respondent
15 Washington State Democratic Central
16 Committee
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SPEIDEL LAW FIRM

Russell J. Speidel, WSBA # 12838
7 North Wenatchee Avenue, Suite 600
Wenatchee, WA 98807

JENNY A. DURKAN

Jenny A. Durkan, WSBA # 15751
c/o Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

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EXHIBIT A

DECLARATION OF CUSTODIAN OF RECORDS

I, _____, being the duly authorized Custodian of Records, or other
qualified witness at:

say:

_____ That as of the date of this declaration, the attached documents are a true and
complete copy of all records requested in the attached Subpoena Duces Tecum which were
kept and maintained by King County in the usual course of regularly conducted business
activity by King County, which had the regular practice of making and maintaining these
records.

_____ That as of the date of this declaration, I have not supplied the complete
records requested in the attached Subpoena Duces Tecum, and the following records have
been omitted:

_____ That as of the date of this declaration, no records requested in the Subpoena
Duces Tecum are in my possession.

I hereby certify and declare under the penalty of perjury under the laws of the State
of Washington, that the foregoing is true and correct.

_____ [Print Name]